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**From:** Giles-Parker, Cynthia [Giles-Parker.Cynthia@epa.gov]  
**Sent:** 9/13/2022 7:41:41 PM  
**To:** Payne, Allison [Payne.Allison@epa.gov]; Cropp-Kohlligian, Bonnie [Cropp-Kohlligian.Bonnie@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Nguyen, Khue [Nguyen.Khue@epa.gov]; Weissenborn, Lauren [Weissenborn.Lauren@epa.gov]; Reaves, Elissa [Reaves.Elissa@epa.gov]; Britton, Cathryn [Britton.Cathryn@epa.gov]  
**CC:** Orrock, James [Orrock.James@epa.gov]; Crews, Kristy [crews.kristy@epa.gov]; Mercado, Minerva [Mercado.Minerva@epa.gov]; Shelat, Shalu [Shelat.Shalu@epa.gov]  
**Subject:** RE: CFS litigation update  
**Attachments:** US Triazole TF 12.20.2002-DE.pdf

I did some digging in some boxes today and was only able to find a letter from 2002 asking for certain data.

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**From:** Payne, Allison <Payne.Allison@epa.gov>  
**Sent:** Monday, September 12, 2022 2:00 PM  
**To:** Cropp-Kohlligian, Bonnie <Cropp-Kohlligian.Bonnie@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Nguyen, Khue <Nguyen.Khue@epa.gov>; Weissenborn, Lauren <Weissenborn.Lauren@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>  
**Cc:** Orrock, James <Orrock.James@epa.gov>; Crews, Kristy <crews.kristy@epa.gov>; Mercado, Minerva <Mercado.Minerva@epa.gov>; Shelat, Shalu <Shelat.Shalu@epa.gov>  
**Subject:** RE: CFS litigation update

Hi all,

I was able to meet with DOJ this morning to discuss CFS's brief and our plan for moving forward and wanted to share those updates with the group.

First, we plan to file a cross motion for remand without vacatur of the ID. Our cross-motion is due Monday, October 3<sup>rd</sup> and DOJ should be getting a draft of the motion to us on Monday, Sept. 19<sup>th</sup> (a week from today). Turn around for review will be tight – DOJ would like us to aim to have comments/edits in by Friday, Sept. 23<sup>rd</sup>. CFS will have a chance to respond to our motion, then EPA's final reply will be due December 16<sup>th</sup>. As part of our motion for remand, we would likely commit EPA to issuing some sort of "stand-alone" document(s) addressing FIFRA concerns with the ID by a certain date.

As far as declaration(s) go, I've already chatted with Lauren this morning and she's agreed to send over the detailed spreadsheet listing the number of difen products/registrants and the status of amended label submissions. We'll like a copy of the label letter sent out to registrants and if possible, an update on how many have responded indicating whether they plan to submit updated labels. We will also need a reg review date for stamping the labels, which Lauren has also agreed to reach out to Linda about.

Finally, I see that Cynthia and Shalu are out, but we'd still like to get as much information as possible about what happened with the 2000 DCI/request for additional studies and any changes in policy that might have affected that outcome. I'll hopefully touch base with Cynthia when she's back in the office to see if she's heard any updates.

Let me know if you have any questions in the meantime.

Allison Payne  
Pesticides and Toxic Substances Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-8501

(she/her/hers)

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**From:** Payne, Allison

**Sent:** Wednesday, September 7, 2022 3:16 PM

**To:** Cropp-Kohlligian, Bonnie <[Cropp-Kohlligian.Bonnie@epa.gov](mailto:Cropp-Kohlligian.Bonnie@epa.gov)>; Koch, Erin <[Koch.Erin@epa.gov](mailto:Koch.Erin@epa.gov)>; Giles-Parker, Cynthia <[Giles-Parker.Cynthia@epa.gov](mailto:Giles-Parker.Cynthia@epa.gov)>; Nguyen, Khue <[Nguyen.Khue@epa.gov](mailto:Nguyen.Khue@epa.gov)>; Weissenborn, Lauren <[Weissenborn.Lauren@epa.gov](mailto:Weissenborn.Lauren@epa.gov)>; Reaves, Elissa <[Reaves.Elissa@epa.gov](mailto:Reaves.Elissa@epa.gov)>; Britton, Cathryn <[Britton.Cathryn@epa.gov](mailto:Britton.Cathryn@epa.gov)>

**Cc:** Orrock, James <[Orrock.James@epa.gov](mailto:Orrock.James@epa.gov)>; Crews, Kristy <[Crews.Kristy@epa.gov](mailto:Crews.Kristy@epa.gov)>; Mercado, Minerva <[Mercado.Minerva@epa.gov](mailto:Mercado.Minerva@epa.gov)>; Shelat, Shalu <[Shelat.Shalu@epa.gov](mailto:Shelat.Shalu@epa.gov)>

**Subject:** RE: CFS litigation update

Cynthia and Bonnie,

# Ex. 5 DPP, ACP, AWP

Allison Payne

Pesticides and Toxic Substances Law Office

Office of General Counsel

U.S. Environmental Protection Agency

202-564-8501

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**From:** Cropp-Kohlligian, Bonnie <[Cropp-Kohlligian.Bonnie@epa.gov](mailto:Cropp-Kohlligian.Bonnie@epa.gov)>

**Sent:** Wednesday, September 7, 2022 1:36 PM

**To:** Koch, Erin <[Koch.Erin@epa.gov](mailto:Koch.Erin@epa.gov)>; Giles-Parker, Cynthia <[Giles-Parker.Cynthia@epa.gov](mailto:Giles-Parker.Cynthia@epa.gov)>; Nguyen, Khue <[Nguyen.Khue@epa.gov](mailto:Nguyen.Khue@epa.gov)>; Payne, Allison <[Payne.Allison@epa.gov](mailto:Payne.Allison@epa.gov)>; Weissenborn, Lauren <[Weissenborn.Lauren@epa.gov](mailto:Weissenborn.Lauren@epa.gov)>; Reaves, Elissa <[Reaves.Elissa@epa.gov](mailto:Reaves.Elissa@epa.gov)>; Britton, Cathryn <[Britton.Cathryn@epa.gov](mailto:Britton.Cathryn@epa.gov)>

**Cc:** Orrock, James <[Orrock.James@epa.gov](mailto:Orrock.James@epa.gov)>; Crews, Kristy <[crews.kristy@epa.gov](mailto:crews.kristy@epa.gov)>; Mercado, Minerva <[Mercado.Minerva@epa.gov](mailto:Mercado.Minerva@epa.gov)>; Shelat, Shalu <[Shelat.Shalu@epa.gov](mailto:Shelat.Shalu@epa.gov)>

**Subject:** RE: CFS litigation update

Ex. 5 DPP, ACP, AWP

Is there anything else that you require from HED?

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**From:** Koch, Erin <Koch.Erin@epa.gov>  
**Sent:** Wednesday, September 7, 2022 11:40 AM  
**To:** Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Nguyen, Khue <Nguyen.Khue@epa.gov>; Payne, Allison <Payne.Allison@epa.gov>; Weissenborn, Lauren <Weissenborn.Lauren@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>; Cropp-Kohlligian, Bonnie <Cropp-Kohlligian.Bonnie@epa.gov>  
**Cc:** Orrock, James <Orrock.James@epa.gov>; Crews, Kristy <crews.kristy@epa.gov>  
**Subject:** RE: CFS litigation update

Looping in Bonnie who has been asked to look into this on the HED side. Some info from RD below.

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**From:** Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>  
**Sent:** Wednesday, September 07, 2022 10:52 AM  
**To:** Nguyen, Khue <Nguyen.Khue@epa.gov>; Payne, Allison <Payne.Allison@epa.gov>; Weissenborn, Lauren <Weissenborn.Lauren@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>  
**Cc:** Orrock, James <Orrock.James@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Crews, Kristy <crews.kristy@epa.gov>  
**Subject:** RE: CFS litigation update

Khue and Allison,

There was a moratorium on all new uses for all triazoles until we received the data on 1, 2 4 triazoles. RD did not issue a DCI, but a letter was sent out to the US Triazole Task Force regarding data needs. Data were submitted to address the needs and HED generated a risk assessment February 7, 2006 for 1,2 4 triazole and its metabolites at that time to support registration and reregistration actions.

I will have to search for the letter that was issued to request the data needed.

Cynthia

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**From:** Nguyen, Khue <Nguyen.Khue@epa.gov>  
**Sent:** Tuesday, September 6, 2022 6:31 PM  
**To:** Payne, Allison <Payne.Allison@epa.gov>; Weissenborn, Lauren <Weissenborn.Lauren@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>; Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>  
**Cc:** Orrock, James <Orrock.James@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>  
**Subject:** RE: CFS litigation update

Hi Allison,

We received similar comments from CFS in the past during the difenoconazole PID comment period about the 2000 DCI for the 1,2,3-triazole metabolite, but we cannot find a record of a 2000 DCI being issued for metabolite data for any of the triazole cases when we looked back at the RED DCIs. More likely, a DCI was not issued, and the requirement was levied as a condition of registration. Perhaps RD might have more insight into this question.

Cynthia—you said previously there were discussions between the agency and companies on pending actions back then. You recalled a letter went out to all companies outlining our concerns and data needs—perhaps these records are in the jackets? Do you know which chemical case and which products we should look for?

Thanks,

Khue Nguyen  
Team Leader

Risk Management and Implementation Branch 5  
Pesticide Reevaluation Division  
Office of Pesticide Programs, US EPA  
202-566-2356

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**From:** Payne, Allison <Payne.Allison@epa.gov>  
**Sent:** Tuesday, September 6, 2022 5:00 PM  
**To:** Weissenborn, Lauren <Weissenborn.Lauren@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>; Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>  
**Cc:** Nguyen, Khue <Nguyen.Khue@epa.gov>; Orrock, James <Orrock.James@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>  
**Subject:** RE: CFS litigation update

Thanks, Lauren for getting back to me.

# Ex. 5 DPP, ACP, AWP

Allison Payne  
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**From:** Weissenborn, Lauren <Weissenborn.Lauren@epa.gov>  
**Sent:** Thursday, September 1, 2022 3:46 PM  
**To:** Payne, Allison <Payne.Allison@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Britton, Cathryn <Britton.Cathryn@epa.gov>  
**Cc:** Nguyen, Khue <Nguyen.Khue@epa.gov>; Orrock, James <Orrock.James@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>  
**Subject:** RE: CFS litigation update

Hi Allison:

In follow up from our discussion this am, Ex. 5 DPP, ACP, AWP

# Ex. 5 DPP, ACP, AWP

Reminder that we had previously said that there are 83 expected labels, and 43 have been submitted, which is confirmed by the database pull.

Let me know if you have any additional questions.

Thank you!

Lauren Weissenborn  
Chemical Review Manager | RMIBV  
Pesticide Re-Evaluation Division  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
[Weissenborn.Lauren@epa.gov](mailto:Weissenborn.Lauren@epa.gov)

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**From:** Payne, Allison <[Payne.Allison@epa.gov](mailto:Payne.Allison@epa.gov)>  
**Sent:** Thursday, September 1, 2022 9:03 AM  
**To:** Reaves, Elissa <[Reaves.Elissa@epa.gov](mailto:Reaves.Elissa@epa.gov)>; Britton, Cathryn <[Britton.Cathryn@epa.gov](mailto:Britton.Cathryn@epa.gov)>; Weissenborn, Lauren <[Weissenborn.Lauren@epa.gov](mailto:Weissenborn.Lauren@epa.gov)>  
**Cc:** Nguyen, Khue <[Nguyen.Khue@epa.gov](mailto:Nguyen.Khue@epa.gov)>; Orrock, James <[Orrock.James@epa.gov](mailto:Orrock.James@epa.gov)>; Koch, Erin <[Koch.Erin@epa.gov](mailto:Koch.Erin@epa.gov)>  
**Subject:** CFS litigation update

Good morning all,

We have some quickly developing updates on the CFS litigation challenging the difenoconazole ID.

# Ex. 5 DPP, ACP, AWP

We'll keep you updated once we have a briefing schedule in place and have had the chance to digest CFS's motion. Thank you all in advance and please let me know if you have any questions in the meantime.

Allison Payne  
Pesticides and Toxic Substances Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-8501  
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